

Policy Statement

This policy acts to ensure that:

- Relevant procedures and legislative requirements relating to the access of children are implemented
- Relevant information is made available to appropriate staff and Educators in relation to access to individual children, and the safe release of children into another person's care

Explanation

When there is joint custody of a child, or a situation which has created issues over access to a child, it is important for Educators and parents/guardians to be able to work together to ensure the children can continue in care in a stress-free and safe environment.

For this to occur, it is important to have good communication between parents, Educators and Coordinators, and for all parties to be informed of the requirements of the Education and Care Services National Regulations and the services Refusal of Authorisation Policy.

Roles and Responsibilities

Approved Provider/Coordinator

- Maintain policies and procedures that guide Educators in the provision of appropriate access to parents/guardians
- Refer to the "Child Authorisations" Table for further guidelines around the procedures for different scenarios where children might require authorisations
- Maintain confidentiality for all matters relating to custody, access and court orders
- Store copies of all relevant documents provided by families and/or Educators in a safe and secure manner respecting the individual's privacy
- Remind families with court orders, custody and access matters to keep you up to date with relevant information, and as changes in arrangements occur
- Provide advice, support and information to Educators and parents on issues relating to access and custody
- Request a copy of the relevant court order if applicable

Policy Created
February 2016

Policy Last Updated
August 2023

Policy Review Date
August 2025

Educators

- Ensure that children are not released into the care of any person under the age of 18 years
- Ensure that children are not released into the care of another person without authority from the child's parent/s or guardians
- Refer to the "Child Authorisations" table for further guidelines around the procedures for different scenarios where children might require authorisations
- Ensure that Photo ID is sighted when a new person comes to collect a child for the first time
- Within legal boundaries respect the wishes of the parent that has placed that child in care with them
- Seek advice and support from Service Coordinators to ensure all people involved in the access/custody are treated fairly, and within the regulatory requirements of the service
- Maintain confidentiality for all matters relating to custody, access and court orders
- Keep any copies of relevant court orders stored in a safe yet accessible place
- Ensure you are familiar at all times with court orders, custody arrangements and access for families
- An Educator must not prevent a parent of a child being educated and cared for from entering the OSHC Venue at any time **unless**:
 - Permitting the parent's entry would pose a safety risk to the children and staff of the Education and Care Service
 - Permitting the parents entry poses a conflict with any duty of the provider, supervisor or Educator under the law
 - They are aware that the parent is prohibited by a court order from having contact with the child

Families

- Ensure that any person apart from yourself that may collect your child from care is over 18 years of age
- Ensure that any person who may be collecting your child from care for the first time is aware that they will need to provide Photo ID to confirm they are authorised to collect your child
- Notify the Service (in writing or via text) if someone apart from yourself is going to collect your child from care
- Provide copies of any relevant court orders to the Service

- Discuss all relevant issues with the Service Coordinator, Responsible Person or Family Day Care Educator regarding who has legal access to the children
- Keep your Service Coordinator, Responsible Person or Family Day Care Educator up to date with any relevant information and as changes in custody arrangements, court orders or access occur

In relation to a person who has been denied access to the child by a court order, Educators will:

- Not give that person any information concerning the child
- Not allow that person access to the child
- If contacted by that person, inform the custodial parent of the situation
- Contact the police if necessary
- Contact your Service Coordinator and/or Country Kids Club for help and support
- Take all reasonable precautions to ensure the safety of all the children in care and themselves

However: Under no circumstances should the Educators place themselves or other children at risk.

If a child is taken against the Educators wishes the Educator should:

- Contact the custodial parent
- Contact the Police
- Contact Country Children's Early Learning

In relation to a parent where there is no court order forbidding that parent contact with a child:

The service must ensure that the parent can:

- Contact the child at any time during the hours the child is at the service, and exchange information about the child with staff and Educators at mutually convenient times
- The parent is required to contact Country Children's Early Learning to make arrangements for appropriate contact times and ring the Service before visiting

LINKS TO:

- **Education & Care Services National Law**
Section 167
- **Education & Care Services National Regulations**
92, 93, 94, 96, 99, 102, 102(d), 160, 161, 168, 169, 170, 171, 172
- **National Quality Standards/Elements:**
2.1, 2.2, 6.1, 7.1, 7.1.2,
- **Child Safe Standards**
1, 2, 3, 4, 6, 7, 8, 9, 10

Continual Monitoring and Improvement

Continual improvement and monitoring will occur in the following ways:

- Incidental and planned consultation with families
- Approved Provider and Coordinators accessing current relevant information
- Approved Provider, Coordinators and Educators accessing current and relevant training
- Internal evaluation of incidences and the improvement of systems

SOURCES

- Education and Care Services National Regulations - December 2021
- Education and care Services National Law - January 2022
- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations - October 2017
- Guide to the National Quality Standard - January 2020
- Implementing the Child Safe Standards: A Guide for Early Education and Outside School Hours Care Services, NSW Department of Education, 2021
- A Guide to the Child Safe Standards, NSW Office of the Children's Guardian, 2020
- ACECQA – FDC Approved Provider compliance responsibilities – October 2017
- Be You
- My Time Our Place: Framework for School Age Care in Australia
- The Early Years Learning Framework
- ECA Code of Ethics
- United Nations Convention on the Rights of the Child

LINKS TO OTHER POLICIES:

- Acceptance & Refusal of Authorisations
- Child Authorisations Table
- Child Safe Environment
- Delivery & Collection of Children
- Emergency & Evacuation
- Enrolment & Orientation
- Governance & Management
- Privacy & Confidentiality